

Sandra Day O'Connor: The First

PBS American Experience September 2021

On 9/13, PBS' documentary series *The American Experience* debuted a new program that covers the life and work of former Supreme Court Justice Sandra Day O'Connor. Justice O'Connor is celebrated as being not just the first woman to serve on the US Supreme Court, but also as an "Arizona original."

- Training coordinators may want to share this information with individual court personnel for individual, on-demand use, with some form of individual reporting (answering written questions, etc). Or, training coordinators may want to host a group viewing(s) that includes group discussion.
- Information about the program, as well as the link to watch the entire program on-demand can be found here: <https://www.pbs.org/wgbh/americanexperience/films/sandra-day-oconnor-first/>
 - PBS does not necessarily keep stuff posted for on-demand viewing indefinitely. So interested training coordinators or staff should utilize this opportunity sooner rather than later.
- Run time: 1:55
 - Training coordinators are free to assign the amount of COJET
- The PBS website for this film includes a short article by former Arizona Supreme Court Chief Justice Ruth V McGregor, who is a friend and former law clerk for Justice O'Connor. Justice McGregor appears numerous times in the film.
 - <https://www.pbs.org/wgbh/americanexperience/features/sandra-day-oconnor-being-first-woman-supreme-court/>
- Attached is a list of questions you might want to provide to independent learners to complete their COJET credit awarding, or to use in a group discussion environment. The text in red are points for your consideration and should be deleted before being provided to a learner to complete.

Potential Discussion Questions for use in COJET training

1. Being "the first" to do anything carries with it the burdens of heightened expectations and intense scrutiny. The film highlights Justice O'Connor's desire to not be "the last" while she was the first woman to be a US Supreme Court Justice. Have you ever been "the first" to do something? How did it feel? How is working in the judicial branch like being "the first" to do something?
 - As indicated in the film and this question, the pressure can be intense. People are very interested to see if you succeed or fail as "the first" at anything. You are also potentially serving as the role model for everyone like you who comes afterwards, so you don't only feel pressure from your peers but those in the future.

- Working in the judicial branch can be like being “the first” in that people may be scrutinizing your every move. You may be the first person they’ve ever met who works for a court and so you’re forming their opinion by how you act and what you do.
2. Part of Justice O’Connor’s judicial philosophy was to rule very narrowly on issues and cases, focusing on the specific facts of the case before the Court. She wanted to avoid the US Supreme Court making sweeping social change through its rulings. Why did she feel this way? What are the positives and negatives of major social change arising from court rulings?
- She did not feel that fundamental issues of society should be decided by sometimes no more than just 5 unelected Justices in Washington, DC. Society itself should take the lead in the “big questions” of society.
 - She was also cautious that courts could be seen as too powerful and thus lose their legitimacy and the all-important “public trust and confidence” that courts rely on in order to be legitimate in the public’s eyes.
 - Positives: courts can be insulated from the “shifting winds” of public opinion, so may be better suited to provide good answers that are consistent, respect precedent, and stand the test of time. Also, courts traditionally protect the rights of unpopular/minority groups who may otherwise suffer under the will of the majority.
 - Negatives: US Supreme Court opinions (which have the effect of law) are very hard to overturn. So citizens are turning over their right to decide on important social issues to 5-9 unelected Justices. (And, as the film highlights, sometimes just a single “swing vote” Justice can decide the outcome of major cases.)
3. How do you think her upbringing on the ranch in Arizona shaped her worldview and subsequent work as a Justice?
- It’s a common feeling in the West (particularly in earlier times) that people should rely on themselves and each other, not on government. So this may have impacted how she saw the law and government.
 - Her experiences feeding the workers in the field, as told in the film, also had an impact on her.
4. During her time as a judge in the Superior Court in Maricopa County, Justice O’Connor described her work as like being “in a soap opera all day.” What did she mean by this? What are the personal risks we experience in our line of work? How can help protect ourselves from the impact of these risks?

- She meant that sometimes a judge/court personnel only see an endless stream of “human drama”—all of the best or worst times in peoples’ lives. People are rarely in court for undramatic reasons.
 - People who work in courts are in danger of suffering from what is known as “vicarious trauma”—this is the trauma that people experience by hearing or seeing the trauma others go through. Research has shown that bystanders to traumatic events can suffer the same aftereffects (e.g. PTSD) as those who lived the event first-hand.
 - It’s important to know the symptoms of PTSD/vicarious trauma and watch for them in yourself and in others. Mental health counseling services (like Employee Assistance Programs) may also be of benefit.
5. Before he was first elected President, Ronald Reagan promised to nominate a woman to the US Supreme Court. Then-candidate Joe Biden made similar promises during the presidential campaign in 2020, receiving a lot of negative press for seeming to have a “quota.” Should Presidents or Governors make promises to nominate representatives from certain groups to posts like judicial positions? Why or why not?
- How does the public respond when individual groups are singled out in such ways? What does it say to those in those groups? Or to those who aren’t in those groups?
 - To some such promises can sound like positive changes and to others it can sound like a commitment to hiring someone for reasons other than their perceived qualifications.
 - This discussion should be handled delicately. People have very strong opinions about concepts like “affirmative action.”
6. Throughout her career, her supporters and detractors alike were constantly confounded in their expectations of Justice O’Connor. Republicans often felt she wasn’t “Republican enough,” women often felt she wasn’t “woman enough,” and later in her career, liberals didn’t think she was “liberal enough.” How do these reactions relate to the lifetime appointments which federal judges, including Supreme Court Justices, receive upon confirmation?
- Federal judges receive lifetime appointments as a way to help insulate them from political pressures or pressure from the public to decide one way or the other. It allows them to be independent, without fear of reprisal (e.g. being fired from their job by a President who didn’t happen to like a ruling).
 - Some might say that Justice O’Connor’s independence is exactly how it should be: no judge should be predictable in how their rule since each case is unique.

7. How would you describe John and Justice O'Connor's relationship? Why did the film focus so intently on it?

- The film makes the point that, for their time, their relationship was very unique in that both husband and wife saw each other as equals and enjoyed that fact. In fact, this aspect of their relationship fascinated onlookers and made the O'Connors more interesting and appealing.
- It was a very different thing for the husband in a relationship to set aside a very promising career for his wife's career.
- Their relationship also had a great impact on her decisions later in life regarding her career and retirement.

8. A judge's personal views are not supposed to factor into their decision in a case. But, can any of us truly eliminate the influence of our life's experiences on our thinking? Do you think Justice O'Connor's personal experiences (including being a woman) factored into how she decided cases? If so, how?

- This is an open-ended question for which many answers might be proposed.